United States Court of Appeals
for the Seventh Circuit

Chicago, Illinois 60604

Argued April 23, 1975

May 9, 1975

Before

Hon. Luther M. Swygert, Circuit Judge
Hon. Philip W. Tone, Circuit Judge
Hon. Robert A. Grant, Senior District Judge*

United States of America,
Defendant-Appellee,

No. 74-1923 vs.

Ronald J. Olive, Donald W. Spicer, and Daniel J. Duffy,
Plaintiffs-Appellants.

Appeal from the United States District Court for the Southern District of Illinois, Southern Division.
No. 73-CR-80-S

Omer Poos, Judge

AMENDED ORDER

Appellants appeal from denial of their motion for expungement of all records maintained by "the United States Department of Justice, the Federal Bureau of Investigation, and each and

* Honorable Robert A. Grant of the Northern District of Indiana is sitting by designation.

every law enforcement agency of the United States" relating to criminal proceedings brought against appellants as a result of their participation as police officers in the well publicized "Collinsville Drug Raids." During the course of these criminal proceedings each of the appellants was fully exonerated. They contend that the continued existence of the records in dispute will subject them to undeserved disrepute and that their careers as police officers will also be jeopardized. They offer no other ground for expungement and cite no cases which would require or support expungement under these rather general allegations. They rely instead on the general power of this court to "correct injustices."

The Government replies that since there are no arrest records involved here, the motion must necessarily refer to and include judicial documents, investigative reports, intra-office memoranda, and FBI identification files. It is urged that these records are at least in part *required* to be maintained by statute, 28 U.S.C. § 534, and that in any event expungement is never justified except in extreme or unusual circumstances not present here. We must agree. Appellants have at most alleged that they were acquitted of the charges against them and that their chosen careers are in the field of law enforcement. There is no allegation of unconstitutional arrest or prosecution. *Sullivan v. Murphy*, 478 F.2d 938 (D.C. Cir. 1973); *United States v. McLeod*, 385 F.2d 734 (5th Cir. 1967), or of illegitimate motive or purposeful harassment, *Wheeler v. Goodman*, 306 F.Supp. 58 (W.D. N.C. 1969). We do not believe the circumstances in this case are so extreme or unusual as to justify the district court or this court in interfering with the legitimate interests of Government law enforcement agencies in maintaining records of their own activities.

Affirmed